

REMARKS

The Office Action mailed September 8, 2005 has been received and reviewed. The drawings are objected to for containing indicia not indicated in the specification and for failing to show features specified in the claims. The specification is objected to as failing to point out where certain features are illustrated in the drawings. Claims 1-11 are in the case. Claims 1, 2, 3, 5, 8, 9, 10, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,938,546 to Simmons. Claims 1-7 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,785,420 to Bradely et al..

OBJECTIONS TO THE DRAWINGS

The drawings are objected to because indicia shown in the surface of the track in Figures 5, 7, and 8 is not identified in the specification. By this amendment a paragraph has been added at line 9 of page 5 indicating that the indicia reading "deep snow" and "hill climbing" represent instructions printed on the track.

The drawings are also objected to for failing to show lugs inclined in a direction toward a direction of travel as recited in claim 6 and inclined in each direction as recited in claim 7. By this amendment Figures 10A-10C have been added illustrating these features have been added to the specification. Added Figures 10A-10C do not represent new matter because the application as filed describes tracks having lugs inclined toward a direction of travel (lines 1-2 of page 5) and tracks having lugs inclined both toward and away from the direction of travel (lines 4-9 of page 5).

OBJECTIONS TO THE SPECIFICATION

The specification is objected to for not clearly indicating where the point of inflection is located. By this amendment reference number 22 has been added to point out the inflection point apparent in the traction lugs of Figure 2.

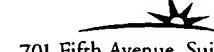
25315

CUSTOMER NUMBER

- 7 -

ACAT-I-1037ROA

BLACK LOWE & GRAHAM PLLC


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

The specification is objected to for being unclear as to where the embodiments referred to in the first two paragraphs of page 5 are shown in the drawings. By this amendment Figures 10A-10C have been added showing these embodiments.

The specification is objected to for failing to describe the indicia shown on the track in Figures 5, 7, and 8. By this amendment a paragraph has been added to the specification pointing out these indicia.

The specification is objected to for failing to describe Figure 9. Figure 9 is referred to on the last paragraph of page 4 which describes the indented portions or scallops on the tips of the traction lugs that are apparent in Figure 9. Accordingly, Figure 9 is described in the specification.

REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1, 2, 3, 5, 8, 9, 10, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,938,546 to Simmons. Applicants respectfully submit that anticipation has not been shown as to amended claim 1. Claims 1-7 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,785,420 to Bradely et al..

In order to show anticipation, each and every element of the claimed invention must be shown in a single prior-art reference. Simmons and Bradley et al. fail to show integrally forming inclined lugs with the base as claimed by Applicant, both Simmons and Bradley disclose fixing distinct structures to an underlying track. Simmons Figure 2; Bradley et al. Figure 5. Simmons further fails to show lugs extending across substantially the entire width of a base. Figure 1. Simmons actually teaches away from integral formation of a lug or cleat with the track. Simmons teaches a removable lug in order to facilitate conversion of an existing track. Col. 4, Ins. 35-36. Integral formation of the traction lugs with the base of the track is a significant feature inasmuch as it obviates the need for modification of the track.

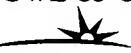
25315

CUSTOMER NUMBER

- 8 -

ACAT-1-1037ROA

BLACK LOWE & GRAHAM PLLC


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

PATENTABILITY OF ADDED CLAIMS

Claims 12-20 have been added. Claim 12 recites an inclined lug including a lower portion having a first angle of inclination relative to normal to the base and an upper portion having a second angle of inclination relative to normal to the base, the second angle being greater than the first angle. None of the cited references recite such a traction lug secured to the base of an endless track. Both Bradley et al. and Simmons disclose lugs having uniformly inclined lugs. Simmons Figure 2; Bradley et al. Figure 5.

Claim 19 recites a method including the steps of securing a track to a snowmobile having inclined lugs inclined away from the direction of travel for deep snow and securing the track to the snowmobile having the lugs inclined toward the direction of travel for hill climbing. None of the cited references teach this approach, but rather teach attachment of distinct structures alter the functionality of a track. This claim does not incorporate new matter inasmuch as a track is disclosed instructing the user to orient the track in one direction for hill climbing and in the opposite direction for deep snow. Figure 5.

CONCLUSION

In view of the foregoing, Applicant believes the claims to be in condition for immediate allowance. The examiner is invited to call the undersigned to resolve any questions or concerns that may be resolved by a telephone conference.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Darren J. Jones
Registration No. 36,175
Direct Dial: 206.957.2490

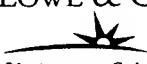
25315

CUSTOMER NUMBER

- 9 -

ACAT-1-1037ROA

BLACK LOWE & GRAHAM^{PLLC}



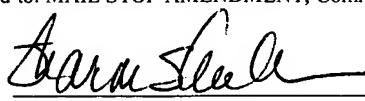
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2/6/06

Date of Deposit


Sharon S. Anderson

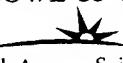
25315

CUSTOMER NUMBER

- 10 -

ACAT-1-1037ROA

BLACK LOWE & GRAHAM PLLC


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301